

## REMARKS

Claims 1-11, 13-24 and 31-34 remain in this application. Claims 1, 3-7, 9-11, 13-20 and 22-24 have been amended. Claims 12 and 25-30 have been cancelled without prejudice. New claims 31-34 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

## Declaration

The Applicants submit a copy of the declaration, dated February 12, 2002, per the Examiner's request.

## **35 U.S.C. § 103 Rejection - McCrory et al. in view of Sewell, et al. in view if Turek, et al.**

The Examiner has rejected claims 1-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,962 issued to McCrory et al., (hereinafter referred to as "McCrory") in view of U.S. Application No. 2002/0165952 issued to Sewell et al (hereinafter "Sewell") in view of U.S. Patent No. 6,460,070 issued to Turek., et al (hereinafter "Turek"). The Applicants respectfully submit that the present claims are allowable over any combination of McCrory, Sewell and Turek.

Claim 1 recites in part, *"upon receipt of the one or more diagnostic procedures, automatically executing the one or more diagnostic procedures on the host processing system . . . [and] transmitting the one or more diagnostic results to the remote processing system"*. Any combination of McCrory, Sewell and Turek does not teach or suggest (a) "upon receipt of the one or more diagnostic procedures, automatically executing the one or more diagnostic procedures on the host processing system" or (b) "transmitting the one or more diagnostic results to the remote processing system".

For the foregoing reasons, Applicants submit that the Examiner has failed to establish a prima facie case of obviousness set forth in MPEP Section 706.02(j). Specifically, the Examiner has failed to show that “[t]he teaching or suggestion to make the claimed combination ... [is] found in the prior art, and not based on Applicant’s disclosure”, as required by *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

For at least these reasons, claim 1 is believed to be allowable over any combination of McCrory, Sewell and Turek. Claims 2-6 depend from claim 1 and are believed to be allowable therefore, as well as for the recitations independently set forth therein.

Independent claims 7, 13, 19 and 31, as well as their respective dependent claims, are also believed to be allowable.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11/2/05

Brent E. Vecchia  
Brent E. Vecchia  
Reg. No. 48,011

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1030  
(303) 740-1980